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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,333	02/12/2001	William H. Voltner	IRID-0106	1961

7590

10/05/2004

Michael K. Jones
Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103

EXAMINER

STULBERGER, CAS P

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/781,333	Applicant(s) VOLTMER ET AL.	
	Examiner Cas Stulberger	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-18, and 21-34, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,554,705 B1 to Cumbers.

3. In regards to claims 1-6 16-18, 21-23, and 26-33, Cumbers discloses a computer-based customer tracking system which uses passive biometric identification for identifying customers which are not required to enter any informational data (Cumbers: Abstract, first line). This meets the limitation of “anonymous biometric authentication.” Cumbers discloses assigning a code or identification number to the user’s file (Cumbers: Abstract). Biometric information is accumulated from each person entering the environment and is compared with information within the various files in the library (Cumbers: column 2, lines 16-19). This meets the limitations of “a biometric acquisition device, and a database comprising a plurality of first biometrics.” If matching data is found in the library then information with respect to the customer’s prior activity is retrieved from the file (Cumbers: column 2, lines 60-62). This meets the limitations of “a processor coupled to said biometric acquisition device for receiving said second biometric and coupled to said database for accessing said stored first biometric, said processor having a comparator for comparing said second biometric to said first biometrics

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stored in said database, wherein an anonymous biometric authentication of an identity of said individual is based on said comparison of said second captured biometric to said first stored biometric.”

4. In regards to claims 10-11, 25, and 34, Cumbers discloses a retina scan (Cumbers: column 4, lines 1-8).

5. In regards to claims 7-9, 12-15, 24, Cumbers discloses the customer using a credit card (Cumbers: column 1, lines 49-51). Cumbers also disclose that in the tracking system of the invention, a customer enters a predesignated zone for the purpose of engaging in a transaction such as the cash register or checkout area of a retail business (Cumbers: column 3, lines 51-60).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,554,705 B1 to Cumbers as applied to claims 1-4, 7-9, 10-18, and 21-34 above, and further in view of U.S. Patent No. 6,289,113 B1 to McHugh et al.

8. In regards to claims 19-20 Cumbers does not disclose encrypting the biometrics. McHugh discloses that after extracting the biometric and producing a template, it is encrypted

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(McHugh: column 13, lines 64-67; column 14, lines 1-4) The encryption can be with any of the known encryption techniques using public and private keys to encipher and decipher the data.

(McHugh: column 14, lines 4-6).

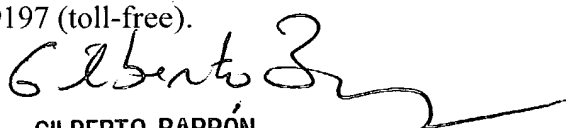
9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of an anonymous biometric system as disclosed by Cumbers with the method of encrypting the biometric as disclosed by McHugh in order to enhance the security of the transactions making them less susceptible to theft, alteration, or interception (McHugh: column 14, lines 11-15).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cas Stulberger whose telephone number is (703) 305-8034. The examiner can normally be reached on Monday - Friday, 9:00A.M. - 5:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GILBERTO BARRÓN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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